

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 24, 2007**

Court convened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J., O’Leary, J., Aronson, J. and Fybel, J. Orlando Duarte, deputy clerk attending.

G038364      ORANGE COUNTY SOCIAL SERVICES AGENCY  
v.  
MICHAEL P. et al.

Merits. Cause called. Diana W. Prince argued for appellant Michael P. Jamie L. Popper argued for appellant Veronica P. Karen L. Christensen argued for respondent Orange County Social Services Agency. Jennifer Mack argued for respondent the minor. Cause submitted.

G038255      MICHAEL BLANCO et al.  
v.  
BAXTER HEALTHCARE CORPORATION et al.

Merits. Cause called. Anne M. Huarte argued for appellants. Alan J. Lazarus argued for respondent. Cause not submitted at this time.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 24, 2007**

G037067      THE PEOPLE      Not for publication  
v.  
KENNETH M. CASEY and  
DALE ALLEN RUMSEY

Opinion filed. Judgment is affirmed.

Ikola, J.

We concur: Rylaarsdam, Acting P. J.  
O’Leary, J.

G037727      RUBLAEE BOOKOUT  
v.  
OVE NIELSEN

Order filed. Order denying petition for rehearing and modifying opinion.  
No change in judgment.

Fybel, J.

We concur: Rylaarsdam, Acting P. J.  
Ikola, J.

G037973      THE PEOPLE      Not for publication  
v.  
YONG BAE HONG

Opinion filed. The judgment is affirmed in part, reversed in part and  
remanded with directions.

Ikola, J.

We concur: Rylaarsdam, Acting P. J.  
Aronson, J.

G038300      TYSON JACOBSEN      Not for publication  
v.  
STEWART WINKLER

Opinion filed. The order is affirmed with directions.

Bedsworth, Acting P. J.

We concur: Rylaarsdam, Acting P. J.  
Fybel, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 24, 2007 (cont'd)**

G038307      ORANGE COUNTY SOCIAL      Not for publication  
                 SERVICES AGENCY  
                 v.  
                 FAUSTO G.

Opinion filed. The order is affirmed.

O'Leary, J.

We concur: Rylaarsdam, Acting P. J.  
                 Bedsworth, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 25, 2007**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J., Aronson, J. and Ikola, J. Antoinette Cajigal, deputy clerk attending.

G035579 CINDY HAILY ET AL.

v.

CALIFORNIA PHYSICIANS' SERVICE

Merits. Cause called. Jeffrey L. Garland argued for appellants. Patricia Sturdevant argued for amicus curiae California Department of Managed Health Care, in support of appellants. Glenn E. Solomon argued for amicus curiae California Medical Association in support of appellants. Andrew L. Frey argued for respondents. Gregory N. Pimstone argued for amicus curiae Association of California Life and Health Insurance Co. in support of respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 24, 2007**

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G038364      ORANGE COUNTY SOCIAL SERVICES AGENCY  
                 v.  
                 MICHAEL P. et al.

Merits. Cause called. Diana W. Prince argued for appellant Michael P. Jamie L. Popper argued for appellant Veronica P. Karen L. Christensen argued for respondent Orange County Social Services Agency. Jennifer Mack argued for respondent the minor. Cause submitted.

G038255      MICHAEL BLANCO et al.  
                 v.  
                 BAXTER HEALTHCARE CORPORATION et al.

Merits. Cause called. Anne M. Huarte argued for appellants. Alan J. Lazarus argued for respondent. Cause not submitted at this time.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 24, 2007**

G037067      THE PEOPLE      Not for publication  
v.  
KENNETH M. CASEY and  
DALE ALLEN RUMSEY

Opinion filed. Judgment is affirmed.

Ikola, J.

We concur: Rylaarsdam, Acting P. J.  
O’Leary, J.

G037727      RUBLAEE BOOKOUT  
v.  
OVE NIELSEN

Order filed. Order denying petition for rehearing and modifying opinion.  
No change in judgment.

Fybel, J.

We concur: Rylaarsdam, Acting P. J.  
Ikola, J.

G037973      THE PEOPLE      Not for publication  
v.  
YONG BAE HONG

Opinion filed. The judgment is affirmed in part, reversed in part and  
remanded with directions.

Ikola, J.

We concur: Rylaarsdam, Acting P. J.  
Aronson, J.

G038300      TYSON JACOBSEN      Not for publication  
v.  
STEWART WINKLER

Opinion filed. The order is affirmed with directions.

Bedsworth, Acting P. J.

We concur: Rylaarsdam, Acting P. J.  
Fybel, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 24, 2007 (cont'd)**

G038307      ORANGE COUNTY SOCIAL      Not for publication  
                 SERVICES AGENCY  
                 v.  
                 FAUSTO G.

Opinion filed. The order is affirmed.

O'Leary, J.

We concur: Rylaarsdam, Acting P. J.  
                 Bedsworth, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 25, 2007**

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G035579 CINDY HAILY ET AL.

v.

CALIFORNIA PHYSICIANS' SERVICE

Merits. Cause called. Jeffrey L. Garland argued for appellants. Patricia Sturdevant argued for amicus curiae California Department of Managed Health Care, in support of appellants. Glenn E. Solomon argued for amicus curiae California Medical Association in support of appellants. Andrew L. Frey argued for respondents. Gregory N. Pimstone argued for amicus curiae Association of California Life and Health Insurance Co. in support of respondents. Cause submitted.

Court declared a recess.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 25, 2007 (cont'd)**

G036114      KEVIN M. HAYES

v.

ORANGE COUNTY DEPARTMENT OF  
CHILD SUPPORT SERVICES

Order filed. Pursuant to California Rules of Court, rule 8.256(e)(1), submission of the above matter is hereby vacated and the cause is resubmitted as of this date for the period allowed by law. The issues required additional time to consider the current version of the opinion. (Cal. Rules of Court, rule 8.256(e)(1).)

Bedsworth, Acting P. J.

We concur:    Aronson, J.  
                     Ikola, J.

G036776      THE PEOPLE

&

v.

G037576      ANTHONY J. SCARPINATO

Order filed. Pursuant to rule 8.256(e)(1) of the California Rules of Court, submission of the above-entitled matter is vacated to allow the panel of justices additional time to further address the issues in the draft opinion. The matter is resubmitted as of this date for the period allowed by law.

Bedsworth, Acting P. J.

We concur:    O’Leary, J.  
                     Fybel, J.

G037372      THE PEOPLE

v.

BRIAN D. MERRITT

Not for publication

Opinion filed. The judgment is affirmed as modified.

Fybel, J.

We concur:    Bedsworth, Acting P. J.  
                     Moore, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 26, 2007**

G036745     THE PEOPLE  
              v.  
              BAO QUOC NGUYEN

Order filed. Order modifying opinion and denying petition for rehearing;  
no change in judgment.

Aronson, J.

We concur:    Bedsworth, Acting P. J.  
                  O’Leary, J.

G037155     MALCOLM CARTER  
                  ENTERPRISES  
              v.  
              MICROSEMI REAL ESTATE, INC.

Not for publication

Opinion filed. The judgment is reversed and remanded with directions.

Ikola, J.

We concur:    O’Leary, Acting P. J.  
                  Aronson, J.

G037188     THE PEOPLE  
              v.  
              RAYMUNDO L. VELASQUEZ

Not for publication

Opinion filed. The judgment is affirmed.

Sills, P. J.

We concur:    Rylaarsdam, J.  
                  Ikola, J.

G037386     LE DUNG BUI  
              v.  
              CUONG M. BUI et al.

Not for publication

Opinion filed. The judgment is affirmed.

Bedsworth, J.

We concur:    Sills, P. J.  
                  Moore, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 26, 2007**

G037441      THE PEOPLE      Not for publication  
                 v.  
                 ABEL CASTANEDA

Opinion filed. The judgment is affirmed.

Bedsworth, Acting P. J.

We concur:    Aronson, J.  
                      Fybel, J.

G037907      THE PEOPLE      Not for publication  
                 v.  
                 MICHAEL R. McINTYRE

Opinion filed. The judgment is affirmed.

Sills, P. J.

We concur:    Rylaarsdam, J.  
                      Fybel, J.

G037945      THAP NHUT VAN NGUYEN et al.  
                 v.  
                 LARRY HUNG TRAN et al.

Order filed. The above entitled cause is ordered submitted this date.

Sills, P.J.

G038074      THE PEOPLE  
                 v.  
                 EDGAR VIVEROS

Order filed. The above entitled cause is ordered submitted this date.

Sills, P.J.

G038287 JOSE ASTUDILLO et al. Not for publication  
v.  
KURT DUGGLEBY

Opinion filed. The judgment is affirmed.  
O’Leary, J.  
We concur: Bedsworth, Acting P. J.  
Fybel, J.

G038501	ORANGE COUNTY SOCIAL SERVICES AGENCY v. MICHAEL D.	Not for publication
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Opinion filed. The judgment is affirmed.  
Fybel, J.

We concur: O’Leary, Acting P. J.  
Ikola, J.

G039242 CHARLES STEINBERGER  
v.  
DON D. SESSIONS et al.

Order filed. On the court's own motion and for good cause, the appeal is DISMISSED for want of jurisdiction.

Rylaarsdam, Acting P. J.

Before Rylaarsdam, Acting P. J., Fybel, J. and Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 27, 2007**

G035550      THE PEOPLE      Not for publication  
                 v.  
                 VICKY ANN HOPEWELL

Opinion filed. The judgment is affirmed.  
Aronson, J.  
We concur: Sills, P. J.  
                 Ikola, J.

G036855      THE PEOPLE      Not for publication  
                 v.  
                 HENRY RODRIGUEZ

Opinion filed. The judgment is affirmed.  
Rylaarsdam, J.  
We concur: Sills, P. J.  
                 O’Leary, J.

G037025      THE PEOPLE      Not for publication  
                 v.  
                 CHUNG PHUOC PHUNG

Opinion filed. The judgment is affirmed.  
Aronson, J.  
We concur: Sills, P. J.  
                 Ikola, J.

G037849      JEFF NIBLACK      Not for publication  
                 v.  
                 TANG DIEM THI LE

Opinion filed. The judgment is affirmed.  
Aronson, J.  
We concur: Bedsworth, Acting P. J.  
                 Moore, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 27, 2007**

G037889      DANNY WITHERSPOON      Certified for publication  
                 v.  
                 JULIE WITHERSPOON

Opinion filed. The order is reversed and remanded.

Aronson, J.

We concur:    O’Leary, Acting P. J.  
                     Ikola, J.

G037968      THE PEOPLE      Certified for publication  
                 v.  
                 STEPHEN R. NEWTON

Opinion filed. The matter is treated as a petition for writ of mandate.  
Petition is denied.

Rylaarsdam, J.

We concur:    Sills, P. J.  
                     Moore, J.

G037990      CRAIG S. WASSERMAN      Not for publication  
                 v.  
                 TERRY L. MAIRS

Opinion filed. The postjudgment order is affirmed.

Bedsworth, J.

We concur:    Sills, P. J.  
                     Aronson, J.

G038177      ORANGE COUNTY SOCIAL      Not for publication  
                 v.  
                 ERIC P.

Opinion filed. The order is affirmed.

Fybel, J.

We concur:    Sills, P. J.  
                     Moore, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 27, 2007**

G038364      ORANGE COUNTY SOCIAL      Not for publication  
                 v.  
                 MICHAEL P. et al.

Opinion filed. The order is affirmed.

Aronson, J.

We concur:   Rylaarsdam, Acting P. J.  
                      Fybel, J.

G032369      THE PEOPLE      Not for publication  
                 v.  
                 MATTHEW G. LAMONT

Opinion filed. The judgment is reversed.

O’Leary, J.

We concur:   Sills, P. J.  
                      Rylaarsdam, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 28, 2007**

G033974      RANBIR S. SAHNI et al.                      Not for publication  
                 v.  
                 B. CASEY YIM et al.

Opinion filed. The order is affirmed.

Sills, P. J.

We concur:    Aronson, J.  
                      Fybel, J.

G037004      THE PEOPLE  
                 v.  
                 CHRISTOPHER J. CHAKOS

Order filed. Pursuant to rule 8.256(e)(1) of the California Rules of Court, submission of this matter is vacated because the court has determined that oral argument is necessary for proper consideration of this case. Oral argument is hereby set for Wed., Oct. 17, 2007 at 1:30 p.m. at 925 N. Spurgeon Street, Santa Ana, California.

Sills, P. J.

We concur:    Aronson, J.  
                      Fybel, J.

G037023      THE PEOPLE                                      Not for publication  
                 v.  
                 ANTONIO L. GUTIERREZ

Opinion filed. The judgment is affirmed in part and reversed in part.

Bedsworth, Acting P. J.

We concur:    Aronson, J.  
                      Fybel, J.

G037975      REBA F. NEWMAN  
                 v.  
                 SANTIAGO CREEK, A CALIFORNIA  
                 LIMITED PARTNERSHIP, et al.

Order filed. The above entitled cause is ordered submitted this date.

Sills, P. J.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 28, 2007 (cont'd)**

G039244      JOHNATHAN OSBORNE  
                 v.  
                 HVM LLC

Order filed. The court advised that parties that it was considering dismissing the appeal on its own motion for want of jurisdiction. The parties were invited to file letter briefs addressing the court's jurisdiction to hear this appeal, which they did. Having reviewed the letter briefs and the record, the appeal is DISMISSED.

Sills, P. J.